APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,111	01/10/2002	Richard Edmond Berry	AUS920010994US1	2389

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EXAMINER
NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/045,111	BERRY, RICHARD EDMOND
	Examiner	Art Unit	
	CamLinh Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 November 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is response to amendments filed 11/30/2005.

2.   Applicant's amendments to claims 1 – 46 are acknowledged. Consequently, claims 1 – 46

are currently pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1 – 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glass et al

(U.S. 6,253,204 B1) in view of Steel et al (U.S. 2003/0191737 A1).

♦ As per claims 1, 8, 13, 20 – 22, 24, 31, 36, 43 – 45,

Class et al discloses a method in a data processing system for pruning search engine indices,

comprising:

-       " Receiving a notification by a search engine from a client browser that a Web page

        retrieval error occurred for a Web page or that the Web page no longer contains selected

        keywords" See Fig. 2 – 3, col. 5, lines 35 – 40, col. 8, lines 61 - 65.

In particular,

●   Client browser: Glass teaches an old server-client system (see Fig. 2, col. 4,

        lines 23 – 37). A user requests a document such as "document 1" from the

        Web. The user must use a browser to retrieve document from the WWW.

The browser is inherent in Glass reference. Even if the browser is not inherent, the Examiner provides an evident that it is well known in the art, the user must use a browser to view document from the Web (see Steel et al, Fig. 8, paragraph 0125). In the interest of prosecution, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use a browser as taught by Steel into the invention of Glass because the teaching would provide good presentation or viewing a document using a browser.

- Keywords: The request that contains "document 1" is inputted to the browser. Therefore, "document1" corresponds to a keyword. After that "document 2" is also another keyword, when the user tries to retrieve it. The user is notified if the file is not found, and the browser automatically generates a message to send to the server (fig. 3, step 340). It is well known in the art that the query contains search terms where the search term is equivalent to the keywords. An evident is submitted by Steel et al (See Fig. 15A, paragraph 0151, of Steel).

- Search Engine: Glass also teaches that a spider can be utilized (see the abstract, col. 7, lines 59 – col. 8, lines 2). A spider can be located in the server (col. 8, lines 55 – 65). By definition of Microsoft Computer dictionary, Fifth Edition, the term "spider" is an automated program that searches the Internet for documents and indexes their addresses and content related information in a database and also called search engine or crawler.

Therefore, this spider is considered equivalent with the "search engine" in

the instant application. Since it is a program, the spider can be located in the

server side of the system or client side or in the middle such as central

system to search for information in the network. Therefore, as discussed

above, the user send a message to the server and the spider receives it. A

client reports the broken link to the server in which a spider located (as

discussed above) (see col. 7, lines 15 – 16, 57 - 59).

Glass teaches that the server will modify the broken link in order to restore the link or delete a

record after a period of time (see col. 8, lines 43 – 48).

Glass does not clearly teach that the system will "automatically deleting the Web page

from the search engine indices in response to receiving the notification". However, Steel

discloses a retrieving information system that allows a user view a website. Steel discloses a

search engine that search the central index (paragraph 0073). In addition, plurality of remote

servers also disclose, where each server contains an index (See Fig. 5, of Steel). The Steel system

has a capability of deleting the URL in their index if an error occurs in the central server or the

sub server (paragraph 0082, 0094, and 0113 of Steel).

It would have been obvious to one with ordinary skill in the art at the time the invention was

made to modify the system of Glass by apply the teaching of Steel for deleting the web page

from a search engine index because the combination would keep the record up-to-date, and

reduce the time/cost searching for other user in later time.

♦ As per claims 2, 9, 25, 32, Glass and Steel disclose:

- " The step of automatically deleting is initiated if the notification results in a minimum

  number of notifications being received for the Web page" See Fig. 10, col. 6, lines 62 –

  col. 7, lines 4, Fig. 12A – B, col. 7, lines 13 - 48 of Glass.

♦ As per claims 3, 10, 26, 33, 37, Glass and Steel disclose:

- " Receiving a search request from the client browser, wherein the search request contains

  the selected keywords" See Fig. 2, element 200, col.4, lines 25 – 35, Glass, and see Fig.

  15A, paragraph 0151, of Steel.

- " Searching the search engine indices for matches to the selected keywords to form a

  search" See Fig. 2, element 210 – 20, Glass, and see Fig. 15A, element 1506, paragraph

  0151, of Steel.

- " Sending a result of the search to the client browser" See Fig. 2, element 240, Glass.

♦ As per claims 4, 27, Glass and Steel disclose:

- " The search result includes an indication that the data processing system includes a

  search engine to cause the client browser to send the notification to the data processing

  system" See Fig. 2, element 260, Fig. 3, Glass.

♦ As per claims 5, 28, Glass and Steel disclose:

- " The search request includes other keywords in addition to the selected keywords" See

  Fig. 2 of Glass. The request that includes document 1 is an example of keywords. The

  document 1, may contains hypertext that identifies another document. This hypertext is

  also considered as another keyword that included in the search request.

♦ As per claims 6, 11, 14, 29, 34, Glass and Steel disclose:

- " The retrieval error indicates that the Web page is absent" See col. 4, lines 40 – 55,

  Glass.

♦ As per claims 7, 12, 15, 30, 35, 38, Glass and Steel disclose:

- " The method is located in one of a search engine or a Web portal" See Fig. 1D, Glass.

♦ As per claims 16, 23, 39, 46, Glass and Steel disclose:

The combination of Glass and Nielsen disclose the limitation of determining an error in

retrieving the web page, and removing the web page in response to the error. In addition, Steel

also discloses a method for maintain a bookmark in the user system (See paragraph 0125 of

Steel)

♦ As per claims 17 - 19, 40 – 42,

Claims 17 – 19, 40 – 42, are rejected based on the rejection of claims 2 and 9.

Response to Arguments

5.   Applicant's arguments filed 11/30/2005 have been fully considered but they are not

persuasive.

Applicant argues that the Examiner has not established a prima facie case of obviousness in

rejecting claims of the present application. The Examiner respectfully disagrees.

The examiner recognizes that obviousness can only be established by combining or modifying

the teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d

1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, both inventions are in the same field: the Steel system has a capability of deleting the URL in their index if an error occurs in the central server or the sub server (paragraph 0082, 0094, and 0113 of Steel), and Glass teaches that the server will modify the broken link in order to restore the link or delete a record after a period of time (see col. 8, lines 43 – 48). It would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system of Glass by apply the teaching of Steel for deleting the web page from a search engine index because the combination would keep the record up-to-date, and reduce the time/cost searching for other user in later time (col. 7, lines 34 – 47 of Glass).

In response to applicant's argument on page 13 of the Remark, *a prima facie case of obviousness* is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. In re Fielder, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification.

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecussion and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Reference is made to MPEP 2144.01 - Implicit Disclosure

"[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art

would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826,
159 USPQ 342, 344 (CCPA 1968)

Subsequent to an analysis of the claims it was revealed that a number of limitations
recited in the claims belong in the prior art and thus encompassed and/or implicitly disclosed in
the reference (s) applied and cited. It is logical for the examiner to focus on the limitations that
are "crux of the invention" and not involve a lot of energy and time for the things that are not
central to the invention, but peripheral. The examiner is aware of the duties to address each and
every element of claims, however, it is also important that a person prosecuting a patent
application before the Office or an stakeholders of patent granting process make effort to
understand the level of one of ordinary skill in the (data processing) art or the level one of skilled
in the (data processing) art, as encompassed by the applied and cited references. The
administrative convenience derived from such a cooperation between the attorneys and
examiners benefits the Office as well the patentee.

♦ In response to applicant's argument on page 14, Applicant argues that Glass does not
disclose, "receiving a notification by a search engine from a client browser that a Web page
retrieval error occurred for a Web page or that the Web page no longer contains selected
keywords". The Examiner respectfully disagrees.

This limitation is clearly disclosed in Fig. 2 – 3, col. 5, lines 35 – 40, col. 8, lines 61 – 65
of Glass.

In view of the above, the examiner contends that all limitations as recited in the claims
have been addressed in this Action.

For the above reasons, Examiner believed that rejection of the last Office action was
proper.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the

organization where this application or proceeding is assigned is 571 – 273 - 8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN

FRANTZ COBY
PRIMARY EXAMINER